domestic animals, it is true," said the court, "belong to the owner of the dam; but a chattel mortgage in this state does not transfer title to the mortgagee (*Musser* v. *King*, 40 Neb. 892. 59 N. W. Rep. 744, 42 Am. St. Rep. 700; *Bedford* v. *Van Cott*, 42 Neb. 229, 60 N. W. Rep, 572; *Randall* v. *Persons*, 42 Neb. 607, 60 N. W. Rep. 898); it only creates a lien, and consequently the young of mortgaged animals, when brought forth, belong to the mortgagor. The case of a mortgage given during gestation may, perhaps, constitute an exception, but this we do not decide. . . . This view of the matter is, we know, opposed to the rule laid down by Jones and Herman (JONES, CHAT. MORTG. § 149; HERMAN, CHAT. MORTG. § 44); but it is fully supported by a very lucid and logical opinion recently handed down by the supreme court of California (*Shoobert* v. *DeMolta*, 112 Cal. 215, 44 Pac. Rep. 487)."

ACTIONS FOR INJURIES TO UNBORN CHILDREN.—The list of cases involving the right to maintain an action by or on account of a child for injuries committed to it while still *en ventre sa mere*, has been augmented by the recent case of *Gorman* v. *Budlong* (1901), 23 R. I. —, 49 Atl. Rep. 704, 55 L. R. A. 118. These cases have quite uniformly held that such an action cannot be maintained by the child itself if it survives, [*Walker* v. *Great Northern R. Co.* (1891), Ir. L. R. 28 C. L. 69, 26 Am. L. Rev. 50; *Allaire* v. *St. Luke's Hospital* (1900), 184 Ill. 359, 56 N. E. Rep. 638, 48 L. R. A. 225, 75 Am. St. Rep. 176.] or by the next of kin or other survivors, where the cause of action presupposes or is based upon a right of action which the child would have had if it had survived. [*Dietrich* v. *Northampton* (1884), 138 Mass. 14, 52 Am Rep. 242; *Gorman* v. *Budlong*, *supra*.] The unborn child is, it is true, for some purposes regarded as *in esse*, but this, as the courts have declared, is purely by a fiction, originating in the civil law, adopted for some but not for all purposes by courts of equity, and having but a limited application in courts of law. This application the courts are evidently averse to so extending as to include actions of this class.

"ACCIDENT"—WHAT INCLUDED WITHIN THAT TERM.—In a recent case in Wisconsin, the court had occasion to determine the meaning to be given to the word "accident," as used in a bill of lading. It was contended on the one hand that the word was synonymous with "mere accident," or "purely accidental," but the court held that while, perhaps, strictly speaking, an accident is an occurrence to which human fault does not contribute, yet as commonly used by laymen, lawwriters and judges, the term includes the result of human fault, even though such fault constitutes actionable negligence. *Ullman* v. *Chicago, etc., Ry. Co.* (1901), — Wis. — , 88 N. W. Rep. 41, 56 L. R. A. 246.

IDEM SONANS—VARIANCE BETWEEN INDICTMENT AND PROOF.—Under an indictment for unlawful cohabitation with a woman named "May Hite," evidence of cohabitation with a woman whose name is "May Hyde" cannot be received. Though "d" and "t" are both dentals, said the court, they have not the same sound. While it has been held that Wadkins and Watkins may be *idem sonans*, "ride" and "rite" are not so, and Hyde and Hite are clearly distinguishable. *State* v. *Williams*, 68 Ark. 241, 57 S. W. Rep. 792, 82 Am. St. Rep. 288.